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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,672	07/19/2000	Takafumi Hoshizawa	0557-4983-2	2151

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHANG, SABRINA A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/619,672

Applicant(s)

HOSHIZAWA ET AL.

Examiner

Sabrina Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/4/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Response to Amendment

Applicant's amendments to claims 1, 11, 13, 17, 20, 21, and 23 – Amendment A, 2/14/03
- are made of record.

Response to Arguments

Applicant's arguments regarding the examiner's failure to address all aspects of the invention are persuasive, but moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 112

Claim 14 recites the limitation "data receiving device" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Now Where Did I Put That Can of Soup" (Harrow, Jeffrey. February 8, 1999) in view of Slotznick, U.S. Patent No. 5,983,200.

"Now" discloses a refrigerator (consumable item keeping system) where the system, through a myriad of sensors, monitors the type and number of products that go in and out of the fridge, the location of the products and the amount left in each container of products. These sensors are tied together by any number of home networking solutions – HomePNA, HomeRf,

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Bluetooth, etc (wireless network). The article specifically discloses that sensing and auto-ordering is well known in commercial and industrial applications, and that the integration with home networking technologies (wireless networks) would be the obvious next step in the evolution of technology.

The article does not explicitly address the system's ability to sense when a product needs replenishment, nor does the article explicitly disclose the system's ability to reorder the goods that are depleted.

Slotznick teaches an intelligent agent system that executes tasks as a normal human being would. The system learns from a user's behavior and makes decisions and executes actions without explicit instruction. Specifically, the system of Slotznick allows a user to set a "threshold" level for acceptable inventory levels. When the inventory level falls below that threshold, either being sensed by volume or weight sensors or determined by any other means – i.e. barcoding, etc. (replenishment level determination), instructions are sent to refill the depleted inventory [Col 4, Line 35]. The system examines which orders must be executed to ensure "just in time" delivery (supplying day and time of delivery) [Col 4, Line 11]. Slotznick is designed to minimize the effort required by a user to execute everyday tasks. The system is specifically created to make a user's life easier and more efficient [Abstract]. Slotznick does refer to the use of this "intelligent agent" system with regard to the purchase of consumer goods, i.e. anniversary presents, cards, etc.

In that the article, "Now", discusses the combination of wireless technologies and consumeable goods with auto-ordering in industrial settings, it would have been obvious to combine the consumer-focused smart sensing capabilities of the system disclosed in "Now" with

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automatic reordering capabilities, as taught by Slotznick, in order to provide a user with a more efficient means of managing their everyday life occurrences.

In reference to claims 4, 5, 18, and 22 the system of "Now"/Slotznick does not expressly provide that the order data is transmitted only when the signal is continuously sensed for a prescribed period of time, where the time can be set by the user. In that Slotznick teaches that the device can accept any type of "contingent" instruction, such as "sensed" data, it would have been obvious that the user could modify the contingent instruction in any manner, including the prescribed time period for sensing, in order to give the user the most flexibility and have further the purpose of naturally emulating a person's actions.

Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Now Where Did I Put That Can of Soup?" (Harrow, Jeffrey R. February 8, 1999. RCFoC Technology Journal. www.compaq.com/rcfoc/19990208.html) in view of Slotznick, U.S. Patent No. 5,983,200, as rejected in claims 1, 4 and 5, in further view of "HP Rewrites the Rules for Office Desktop Printers" (April 20, 1998. Business Wire).

"Now"/Slotznick does not explicitly provide that the consumable keeping and monitoring system is used in an image forming apparatus.

"HP" teaches a device, a "smart chip", which tracks the ink levels in a printer (image forming apparatus). The information from the "smart chip" can be displayed on-screen so users can check ink levels before printing, reducing the need to re-print, and minimizing ink and media waste.

It would have been obvious to modify the remote, automated consumable item ordering system of "Now" for use in any system that requires material replenishment and monitoring,

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including an image forming apparatus as taught by "HP", in order to minimize waste of consumable items and increase efficiency.

In reference to claims 13-16, the system of "Now"/Slotznick/"HP" does not explicitly provide for the specific disposition of the data transmitting device or of the delivery data display. However, in that no provision is made by the applicant describing the advantage of having the data transmitting device disposed in various positions, the placement of the device or display are merely superficial design choices, it would have been obvious for the data transmitting device" or the delivery data display in the system of "Now"/Slotznick/"HP to be disposed in any manner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wyss, U.S. Patent No. 5,708,223 discloses an ice storage chamber (consumable monitoring system) that tracks the level of bagged ice and reorders when the level drops below a certain point. Wyss does not explicitly disclose the ability to track various consumable items.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 7687 for regular communications and 703 305 7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC

April 18, 2003


WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600